



MPG-1 DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wassenegger et al.  
Application : 09/782,874 Confirmation No.: 6565  
No.  
Filed : February 8, 2001  
For : NUCLEIC ACID MOLECULES ENCODING  
POLYPEPTIDES HAVING THE ENZYMATIC ACTIVITY  
OF AN RNA-DIRECTED RNA POLYMERASE (RdRP)  
Group Art Unit : 1638  
Examiner : Georgia L. Helmer

New York, New York  
September 10, 2003

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

Applicants hereby petition under 37 C.F.R. § 1.181  
for a withdrawal of the holding of abandonment set forth in the  
Notice of Abandonment mailed on July 15, 2003 (copy attached at  
Exhibit A).

Express Mail No.  
EV133108135US

### Statement of Facts

As evidenced in the supporting Declaration of Lillian Garcia ("Garcia Declaration") filed concurrently herewith, a Response to November 20, 2002 Office Action in the above-identified application was timely filed in the United States Patent and Trademark Office ("USPTO") on May 20, 2003 together with a petition for extension of time and the appropriate fee. On the same day and in the same envelope, applicants also filed a Supplemental Information Disclosure Statement.

Applicants have now received a return receipt postcard, which was date stamped by the USPTO (see Exhibit C of the Garcia Declaration) confirming the timely filing of the response on May 20, 2003 (see Garcia Declaration at paragraph 3, pages 3-4).

In a July 23, 2003 telephone conversation, Ms. Georgia L. Helmer of the USPTO informed applicants' representative, Mr. Greg Morris of Fish & Neave, that the USPTO received the Supplemental Information Disclosure Statement but that it could not locate the Response to Office Action. Because the Supplemental Information Disclosure Statement and the Response to Office Action were mailed in the same envelope (see Exhibit B of the Garcia Declaration), applicants believe

that the Response was also received by the USPTO on or before the six month deadline.

In accordance with 37 C.F.R. § 1.181, applicants make this Petition within two months of the Notice of Abandonment. Applicants respectfully request that the holding of abandonment be withdrawn.

Applicants believe that no fees should be due in connection with this Petition. However, the Director is hereby authorized to charge payment of any fee that may be required in connection with the Petition to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

Respectfully submitted,



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